

Appln No. 10/774,505
Amdt. Dated August 16, 2004
Response to Office action of May 26, 2004

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REMARKS/ARGUMENTS

Claim 1 stands rejected under 35 USC 103 (a) as being unpatentable over Minami (US Patent No. 5601389) in view of Scarlata (US Patent No. 4707215) and Andjelic et al (US Patent No. 5295775).

With respect, Applicant disagrees. In essence, the Examiner contends that Andjelic provides the features of claim 1 of "placing the pages one above another to form a stack on a support" and "adjusting the position of the support vertically so as to present a top page of the stack at a preset level" and "pressing at least a portion of the pages so as to compress the adhesive so as to adhere the pages together". In rebuttal, Applicant contends that this is not correct. Andjelic teaches providing a support 90 on which there is received a stack of volumes to be bound. The height of the stack on support 90 is adjusted, but is transferred to a second support, lower jaw 91, prior to the step of pressing the stack. Accordingly, Applicant submits that Andjelic therefore does not provide the features that the Examiner contends because the support for which the height is adjusted is not the support on which the pressing occurs. However, in order to make this distinction more explicit, Applicant has amended the claims to recite that the step of pressing occurs "on the support", ie the support whose height is adjusted to maintain a preset level of the top most pages on the stack.

In addition, the passage identified by the Examiner, namely column 11 line 63 to column 12 line 16, does not specifically recite that the position of the support is adjusted vertically to maintain the top of the stock at a preset level. Andjelic illustrates in Figure 4, that the support 90 can be lowered as additional items are placed on the stack. However, ultimately, the stack 86 on support 90 is transferred onto platform 91, which must require that the lowermost item in the stack is at the level of the platform 91 when the transfer occurs. If the stack height is of less height than is allowed by the system, for example as determined by the distance between upper and lower jaws 93, 91, then the height of the top most pages in the stack will not be at the preset level.

In light of these distinctions, Applicant submits that the citations in combination do not recite all of the features of claim 1, and that therefore, claim 1 is patentably distinguished from the citations.

Claim 2 is dependent on claim 1 and thus includes all the limitations of claim 1. Thus, the arguments presented above in respect of claim 1 equally apply to claim 2, and accordingly Applicant contends that claim 2 is also patentable.

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This response is fully responsive to the all of the issues raised in the Office Action. The Applicant has provided amendments and detailed reasons why Applicant believes the claims to be allowable. Accordingly, reconsideration of the application is respectfully requested.

Very respectfully,

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